



NATIONAL ASSOCIATION OF THE DEAF

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April 1, 2002

Federal Communications Commission
Office of the Secretary
Room TW-A325
445 Twelfth Street SW
Washington, DC 20554

Re: CC Docket No. 01-337, Reply Comments.
Review of Regulatory Requirements for Incumbent
LEC Broadband Telecommunications Services

Dear Ms. Salas:

The National Association of the Deaf (NAD) appreciates this opportunity to submit reply comments on the Commission's Notice of Proposed Rulemaking (NPRM) on appropriate regulatory requirements for incumbent local exchange carriers (LECs) as regards their provision of broadband services.

Established in 1880, the NAD is the nation's oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of deaf and hard of hearing individuals in the United States. The NAD is particularly interested in broadband and plans to comment on several of the FCC's proceedings in this area.

Docket 01-337 attracted 61 comments. Of those, relatively few addressed a key question raised by the Commission: demand for broadband services. The NAD wishes to associate itself with the comments submitted March 1, 2002, by the Alliance for Public Technology (APT). The APT comments were specific to the importance of broadband for people's lives.

A February 2002 report, released by the U. S. Department of Commerce's National Telecommunications Information Administration (NTIA) entitled *A Nation Online*, included important new data on demand for Internet services. Data collected by NTIA and by the U.S. Bureau of the Census for this publication, but not reported in it, were secured by the NAD with the assistance of Census Bureau staff members. This data was collected in September 2001. They reveal that among Americans who have any kind of Internet connection at home, *as high a proportion* of those with disabilities as those without disabilities had broadband connections at home. That 18% had either a cable-modem or a DSL connection is remarkable. This is one of the very instances in which national statistics show that Americans with disabilities are using cutting-edge technology as widely as are Americans with no disabilities. The NAD believes that this is evidence of the power of broadband to improve the lives of people with disabilities.

While we are by no means satisfied with an 18% rate of use of broadband and a corresponding 82% use of narrowband connections, we are convinced by the new data that Americans with disabilities see the potential of broadband to improve their lives dramatically.

We urge the Commission to recognize that broadband has tremendous potential to enhance the lives of deaf and hard of hearing people. The interests of the population represented by the NAD are served when broadband becomes widely available, quickly, and at affordable rates. We urge the FCC to take whatever steps appear necessary in order to accelerate the deployment of broadband facilities and services, to ensure that those services become available not only in urban and suburban areas but also in rural areas, and to make broadband services affordable to all. The NAD believes that universal service policies, by means of which telecommunications providers contribute to a central fund that is used, in turn, to help lower consumer costs, should be applied to broadband services.

The NAD further notes that broadband is a delivery mechanism. This fact raises two important issues. First, delivery of *what* – content that is provided over broadband systems needs to be accessible to and usable by people with disabilities. The NAD is excited by the fact that broadband content is digital. This fact opens the door to conversion of content to formats that meet the needs of end users. Deaf and hard of hearing people are particularly interested in text and data. We have less, or no, capacity to comprehend voice content. Accordingly, the NAD urges the FCC to consider the feasibility of “protocol conversion” – that is, alteration of content so that it comes to the end user in an accessible mode. The second issue raised by the delivery-mechanism nature of broadband: delivery *to what* – what equipment do consumers use to receive and transmit broadband-provided content and other services? Deaf and hard of hearing consumers often have difficulty with digital cell phones, most of which are not hearing-aid compatible. We commented on these problems in a separate FCC proceeding on the Hearing Aid Compatibility Act (HAC Act), so we will not repeat those concerns here. The point is that the FCC needs to consider what hardware, software and other kinds of products consumers use to create, receive, and transmit content over broadband. The end-user equipment – no less than the content itself – needs to be accessible to and usable by people with disabilities.

In its comments, APT raised some of these points, which the NAD supports. Specifically, APT urged that broadband services be affordable and that some requirement modeled after section 255 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 be applied to broadband so that content and equipment be accessible to and useable by people with disabilities.

The NAD trusts that the FCC will lend serious consideration to the reply comments herein.

Sincerely,

A handwritten signature in black ink, reading "Nancy J. Bloch". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Nancy J. Bloch
Executive Director

